

Before the  
FEDERAL COMMUNICATIONS COMMISSION

In re

Keith Perry  
Leander, Texas

Order to Show Cause Why a Cease  
and Desist Order Should Not Be Issued)

)  
)  
)  
) CIB Docket No. 98-46  
)  
)

Response to ORDER Issued May 20, 1998

Respondent affirms that a proper response was sent to and received by the FCC. Enclosed please find a copy of that response with copies of return receipt(s).

The FCC has not responded to my demand for jurisdiction, FOIA request, response to Order to Show Cause, or my original response to warning letter. This leads me to believe that they intend to deprive me of my God given rights, and due process .

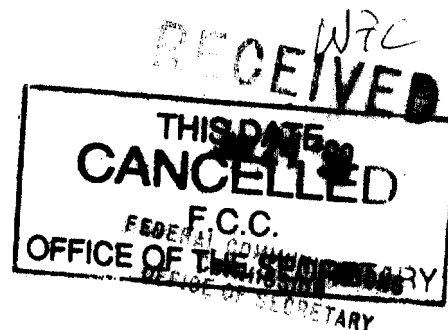
Please accept this as notice that I intend to appeal the decision of the FCC.

Sincerely,

Keith Perry

Keith Perry  
607 Osage Dr.  
Leander, TX (78641)

June 11, 1998



Before the  
**Federal Communications Commission**  
**Washington D.C. 20554**

In re )  
 ) CIB Docket No. 98-46  
KEITH PERRY )  
Leander, Texas )

**RESPONDENT'S RESPONSE AND CHALLENGE TO THE  
JURISDICTION OF THE COMMISSION**

I, Keith Perry, Respondent in the above cited cause of action, have no intention whatsoever to commit a crime or to infringe on anyone else's rights. It is my belief that I am doing the right thing under the laws of God and my duty to him, as my religious training has taught me. I am bound by a contract with God (see Leviticus 18:1-5). As an individual I have these truly and sincerely held beliefs. I am exercising my God-given, unalienable, substantive and perfect rights to express my spiritual and political voice in a noncommercial manner. Any infringement of these rights will be considered a tort. In that the Order to Show Cause was not signed, I believe it was unsigned purposefully, because the individual understands the liability involved.

I, Keith Perry, Respondent in the above cited cause of action, hereby challenge the Commission's authority to subject him to a cease and desist order pursuant to the authority of the Communications Act of 1934, 47 U.S.C. Sec. 312(c). The Respondent, Keith Perry, shall demonstrate that the Commission lacks jurisdiction to interfere with his peaceful enjoyment of his intrastate radio communications.

For entry into the record, Keith Perry offers the following exhibits. Exhibit #1, a correspondence dated June 9, 1997, sent by CMRRR #P623693924, to Mr. Reed Hundt, FCC Chairman, which requested that the FCC reveal its jurisdiction, if any, over intrastate communications. Exhibit #2 is the April 16, 1998 reply Mr. Perry received from Mr. Norman Goldstein, Chief of Complaints and Political Programming of the FCC's Enforcement Division. In this Exhibit Mr. Perry's question in the correspondence known as Exhibit #1 was answered with the statement that intrastate communications are "outside of the Commission's jurisdiction."

If these exhibits are not sufficient to prove the lack of authority of the FCC to govern this type of station, please note that Respondent Keith Perry is preparing additional affidavits to show his belief to be accurate.

Should these exhibits and affidavits negate the necessity for a hearing, the following statements and/or motions will not apply.

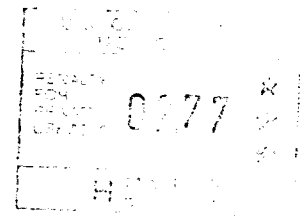
**APPEARANCE STATEMENT**

I have received your Order to Show Cause and Notice of Opportunity for Hearing and I welcome the opportunity to present my circumstances before your august Commission.

Federal Communications Commission  
Washington, D.C. 20554

OFFICIAL BUSINESS  
Penalty for Private Use, \$300

P 366 605 196



98-46  
\* Keith Perry  
607 Osage Drive  
Leander, TX 78641

Name \_\_\_\_\_  
1st Notice \_\_\_\_\_  
2nd Notice \_\_\_\_\_  
Return \_\_\_\_\_

126

78641-2342-83

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

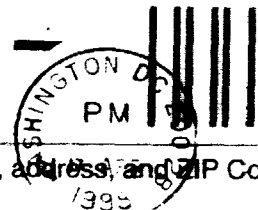
RECEIVED  
APR 11 1998  
FCC MAIL ROOM

Keith Perry  
P.O. Box 816  
Leander, Texas  
(78646-0816)



Front: Demand for Jurisdiction

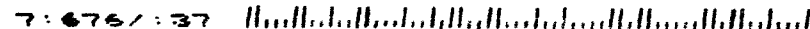
UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Print your name, address, and ZIP Code in this box •

Keith Perry  
P.O. Box 816  
Leander, TX  
78646



Front: Response

However there are a number of matters which need to be clarified and included in your order so that this matter may be adjudicated in the most efficient and effective manner. I am not an attorney nor can I afford one at this time. Please forgive me if this letter is not in conformance with your regulations, and do not hold procedural errors against me.

### **RESPONDENT'S MOTION TO EXPAND THE SCOPE OF THE HEARING**

There are many other issues to be addressed, including but not limited to the right of the people to listen, Constitutionality of the FCC's policies and procedures, administrative/technical violations by the FCC, criminal and civil violations by the FCC, and the FCC's failure to respond to previous written communications from Respondent.

### **RESPONDENT'S MOTION FOR INCLUSION OF ADDITIONAL AFFECTED PARTIES**

There are a number of people who have requested access and now have regular programs on Radio Tejas and each of them are directly affected by your order to me. I am neither capable nor willing to try to represent the interests of those programmers, since each one has a different and unique interest in broadcasting on Radio Tejas.

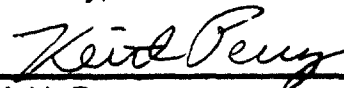
In addition, there are an undetermined number of listeners and callers to Radio Tejas who although they do not broadcast regularly may be directly impacted by your order to me. I am neither capable nor willing to try to represent the interests of those listeners and callers since each one has a different and unique interest in listening to and calling in to Radio Tejas.

I think the most efficient way to ensure that all affected parties have status in this matter is for the FCC to place a Public Notice of the Order to Show Cause and Notice of Opportunity for Hearing for Three consecutive days in the Federal Register and the Austin American-Statesman.

### **RESPONDENT'S MOTION FOR CHANGE OF VENUE**

In that I am currently unemployed, it would be an undue financial burden on me to require me to go to Washington D.C. for this hearing. It would be a further denial of my rights to defend myself because of the undue financial burden of trying to bring all of my witnesses and evidence to Washington D.C. as well. Without my witnesses and large number of documents I will not be able to present an adequate defense. Therefore Keith Perry makes motion that venue for the hearings scheduled for May 20, 1998 and June 30, 1998 be moved from Washington D.C. and situated at the nearest federal facility located within the Austin, Texas geographic area.

Sincerely,



Keith Perry  
607 Osage Drive  
Leander, Texas (78641)

*Certified Mail # P623 693924*

June 9, 1997

Mr. Reed Hundt  
FCC Chairman  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Mr. Hundt:

I notice that you **personally introduce** your agency as being charged with **regulating interstate** and international communications consisting of almost all electronic methods.

This leads me to ask you: Does your agency (the Federal Communications Commission) have any jurisdiction over **intrastate** radio communications, meaning within the State of Texas?

If you do have jurisdiction, where may I find the implementing regulation in the Federal Register, and **specifically** what section and paragraph(s) would pertain to radio transmissions that do not cross state borders?

I request an reply within thirty (30) days. Thank you very much in advance for your response.

Sincerely,



Keith Perry  
P.O. Box 816  
Leander, Texas (78646)

APR 16 1998

IN REPLY REFER TO:

8210-28

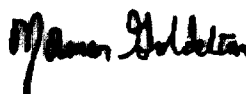
1800C1

97070199-TL

Dear Sir or Madame:

Your interest in writing is appreciated; however, your letter concerns a subject that is outside the Commission's jurisdiction. Therefore, we are not able to assist you.

Sincerely,



Norman Goldstein, Chief  
Complaints and Political Programming Branch  
Enforcement Division  
Mass Media Bureau

\* The Commission regulates only on Federal level.\*

Received 4/29/98  
Kelt Perry  
with attachment  
8310-100"

**Before the  
Federal Communications Commission  
Washington D.C. 20554**

In re

)

CIB Docket No. 98-46

)

KEITH PERRY

)

Leander, Texas

)

**ORDER FOR CHANGE OF VENUE**

IT IS ORDERED, that the hearings set for this matter and scheduled for May 20, 1998 and 9:00 a.m. and June 30, 1998 at 10:00 am. are to be held at the nearest federal location within the Austin, Texas area to avoid economic hardship on Keith Perry. Mr. Perry shall be notified in a timely manner, per the APA, by the Commission of the new venue location and any hearing date and time changes, if necessary.

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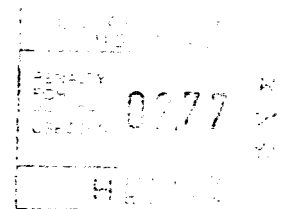
Presiding Judge

Federal Communications Commission  
Washington, D.C. 20554

OFFICIAL BUSINESS  
Penalty for Private Use, \$300

P 366 605 196

98-46  
\* Keith Perry  
607 Osage Drive  
Leander, TX 78641



Name \_\_\_\_\_  
1st Notice \_\_\_\_\_  
2nd Notice \_\_\_\_\_  
Return \_\_\_\_\_

126

78641-2342 03

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Norman Goldstein  
Compliance and Information Bureau  
(Counsel of Record)  
1919 M. Street N.W.  
Federal Communications Commission  
Washington, D.C. 20554

4a. Article Number

R703412520

4b. Service Type

- ☒ Registered ☐ Certified
- ☐ Express Mail ☐ Insured
- ☐ Return Receipt for Merchandise ☐ COD

7. Date of Delivery 11993

8. Addressee's Address (Only if requested and fee is paid)

FCC MAIL ROOM

**SENDER:**

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
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I also wish to receive the following services (for an extra fee):

- 1. ☐ Addressee's Address
- 2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

Chief, Compliance & Info. Bur.  
FCC  
1919 M. St. N.W.  
Washington, DC 20554

4a. Article Number

2218360310

4b. Service Type

- ☐ Registered ☒ Certified
- ☐ Express Mail ☐ Insured
- ☒ Return Receipt for Merchandise ☐ COD

7. Date of Delivery APR 17 1998

5. Received By: (Print Name)

X [Signature]

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-98-B-0229 Domestic Return Receipt

Back: Demand for Jurisdiction

Back: Response



VERIFICATION

STATE OF TEXAS )

COUNTY OF WILLIAMSON )

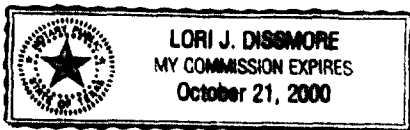
BEFORE ME, the undersigned authority, personally appeared Keith Perry, and stated that he is the author of the foregoing Respondents' Challenge To The Jurisdiction Of The Commission with attached exhibits, Appearance Statement, Motion to Expand The Scope Of The Hearing, Motion For Inclusion Of Additional Affected Parties, Motion for Change of Venue, and Order for Change of Venue, and after being by me sworn, did state upon oath that the documents are his and are true and correct to the best of his knowledge and belief.

*Keith Perry*

Keith Perry

DL# 04502109

SWORN TO AND SUBSCRIBED before me on this 28th day of April, 1998.



*Lori J. Dissmore*  
Notary Public, State of Texas

My Commission Expires: Oct. 21, 2000

KP

## CERTIFICATE OF SERVICE

I do hereby certify that on this 28th day of April, 1998, a true and correct copy of the foregoing Respondent's Challenge to the Jurisdiction of the Commission with attached exhibits, Respondent's Response and Challenge to the Jurisdiction of the Commission, Appearance Statement, Respondent's Motion to Expand the Scope of the Hearing, Respondent's Motion for Inclusion of Additional Affected Parties, and Respondent's Motion for Change of Venue have been sent via registered mail, return receipt requested, to:

Norman Goldstein  
Counsel of Record  
Compliance and Information Bureau  
1919 M Street N.W.  
Federal Communications Commission  
Washington, D.C. 20554

A handwritten signature in cursive script, reading "Keith Perry", is written over a horizontal line.

Keith Perry

KP

Keith Berry  
607 Osage Dr  
Leander, TX 78641

RECEIVED

JUN 15 1998

FCC MAIL ROOM

**RESTRICTED  
DELIVERY**  
**ALS**

**RETURN RECEIPT  
REQUESTED**

Registered Mail - Return Receipt Requested

**R** REGISTERED MAIL

R 703 412 597



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U.S. POSTAGE  
PAID  
LEANDER, TX  
78641  
JUN 11, 98  
AMOUNT

**\$9.35**  
00057073-02

Administrative Law Judge  
Arthur L. Steinberg  
Federal Communications Commission  
2000 L St. Ste. 228  
Washington, DC 20554